

Mr. William Ohlhausen
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1/8/76

Dear Bill,

No, you are not on my "shit list" and I have none. I recognize the position in which you are and have been and the impossibility of your doing anything.

I also recognize a lawyer's letter when I see one. I agree with you that further correspondence cannot be fruitful.

If you had ~~written~~ ^{written} me an honest letter, like we can't do anything and I think it would be best just to hope there is no disaster, I'd not have responded. But instead you write me a letter in which you ignore almost everything I've said and our previous conversations in which you have expressed identically the concerns I have. This goes back to when your office was on 15th Street and you agreed when I pointed out Bud's conflict of interest, which is only one of the danger points I regard as quite serious in their potential.

Unfortunately, there is much of which you have no knowledge. There is ~~much~~ nothing I can do about that. There is also much of which you have personal knowledge in no way reflected in this lawyer-letter non-response. And there is nothing I can now do about that. What will be will be. My days of saving Bud from his ~~own~~ own acts are past. Each time it happened, and I recall clearly enough that this includes in your presence, he had to hate me more for it.

Whatever may have been in your torn-up 10 page response was not factual refutation of anything I said because I told the truth and you know it. You know there was an agreement with me by Bud and its provisions. The first time he violated it with an act as distinguished from non-performance I took it up with you, personally, because of the trouble it could mean for him. I have done this on a number of occasions. While without doubt there have been times I have written you in anger, I can't recall one when I wasn't trying to look out for Bud's interest and to enlist your aid in protecting him from what with a less lucky man would be its natural consequences.

I agree with you on polarisation. This is inevitable unless ~~a~~ one is willing to indulge Bud's every whim and foolishness and accept the abuse his sick ego requires. You even talk like him when you talk about me "going public." I have no intention of this but if I am forced to it Bud's reputation and the interest of the firm have a very high likelihood of suffering. I'll not again live through anything like I did in Memphis, in public silence. You were not there when I caught Bud and Bob contriving to what amounted to throwing the case - and many other disasters. Nor do you know what Jimmy has told and written me.

Where you come into contact with fact and reality I will respond. Whether or not you read the letter, as you say you will not, is your affair. But I will not permit the unanswered existence of a contrivance like yours.

Ray and taxes: Bud the lawyer had never taken the most elemental measures to be within the law on legitimately deductible expenses. I neither say nor believe that he is not properly entirely within his rights in taking legitimate costs of a pro bono defense. But when I learned he had not taken the proper steps, first I consulted Lil, who is an expert. She agreed and at no cost to Bud carried this further and confirmed her opinion. I then took this up with both Bud and Jimmy so that Bud could, as the law requires, be in a position to properly take proper expenses. And this was long after Bud had started treating me as he has.

The Valentine article: you call it what is entirely unreasonable, "The pettiness in all this absolutely astounds me." If this referred to Bud I could understand it and agree. But it does not. If after four readings you consider it honest, fair or decent to dismiss Jim as no more than a legman when he has done virtually all the legal work it is

simply unreasonable and further abuse of Jim. At the evidentiary hearing Bud was off partying when Jim was working such hours and under such tensions that he could not sleep even with medication. You know very well who prepared all the court papers of any consequence and Bud didn't even ^{make} ~~make~~ arrangements for saving Jim the retyping of his drafts. Jim had to be his own typist, too. While my anger over the Potomac article was largely because it dishonestly promoted Bud and your firm at Jim's cost, I do not pretend I had no personal feelings. However, I have become used to this from Bud and his like-minded cronies and on my own behalf would have been silent about this cheap publicity-seeking. But there is part of this of which you know and ignore and part of which you do not. You probably do not know that Bud asked me to prepare the outlines of the approach for the first hearing before Judge William Williams. I did it, in writing, have ~~sent~~ copies, and you will find that where Bud did not heed my advice Williams (to cover himself, not Ray) directed Bud to do exactly this. Bud then took me to Memphis, this being among the reasons, so I could prepare Bud to do precisely this. ~~I~~ You do know that Bud's preparation for discovery and the hearing itself consisted in taking a Russian vacation. You do know that while he was relaxing and not paying me to do his work I did work out the entire case on effectiveness of counsel. You do know that I asked you to be here with him when I laid it and other needs out. You do know that there were agreements on legal needs and that because I know Bud automatically opposes whatever I suggest I asked that you be present. You do know that you agreed the evidence "in and I got plus what I had earlier more than justified an opening constitutional motion. You do know that you did what you could in preparation when Bud's schedule of other cash-paying cases did not give him time. You do know that before we left for Memphis I checked this with you and you told me the drafts were in Bud's brief case because you had put them there. And you do know that Bud never used them. (You do not know that this year he confessed to me that he now sees this, too late, as the major legal issue.) And the record will show that what we did at that hearing on effectiveness of counsel is precisely what I laid out, the work I did without pay while Bud was living it up abroad. You do know that I even had a proposed list of witnesses and what each could testify to. (I still have it.) Bud never took the time to even speak to some if not all of them. What you do not know is that while Bud was sleeping, beginning about midnight, I ~~typed~~ typed up the questions to be asked of five witnesses, Bud's job, and after a sleepless night at my age went off to do other work he should have done and didn't after handing this work to him when he had just gotten up and was still in his underwear. I couldn't be in court to help because I also had to do something else Bud should have done and didn't, take our criminalist to prepare for his testimony. Now in this testimony none of which Bud planned or even asked for, Bud elected to go farther than I had. This required the use of my work product, an investigation I had told Bud was necessary and he had refused to authorize in the sense of his paying the nominal expenses. (And there are many he may yet have to face. He has never sent me off to do any investigating, has never asked me what I thought had to be done, and even asked me to prepare the habeas corpus affidavits for him.) ~~So~~ So at my own expense and without income, which meant increasing my debt, I went off and did what any law student should have known had to be done. I told Bud of its results and told him I would not make any of this available to him without repayment of my expenses. That night, knowing this - and I reminded him, I think with Jim there - he learned he wanted to use this work. In doing it, because he had not prepared, he got kicked in the teeth in court. Because it was lily-gilding, although I had written exactly the same thing in Frame-Up, I did not plan it for that testimony. When on our return I reminded Bud of this ~~he~~ and asked him to repay me he wrote me a hand-written note of which you do not have a copy, "Drown in your own bile." (Want to tell me more about my "irascibility?")

More on the Valentine piece: Bud killed an innocent but potentially helpful Ray Playboy article. I am pretty sure I wrote you about this. It coincides in time with the original writing of the Potomac piece, a Bud and firm promotion, from what ~~Ray~~ Paul told me when he phoned on deadline to check a few points with me. Then he had his friend Guicciardi offer "in and me cash for an article that could be hurtful to Jimmy's interest.

"Pettnesss" indeed!

Lumping me together with the CTIA: You can torture that paragraph as you please. (Bud was not even faithful in his account.) What you do not know, although you know of my objections to CTIA and the since-proven reasons, is that on many occasions it and Bud personally represented my suits as CTIA's. I have this on a tape of Bud in public appearance, in the writing of the CTIA's research director (quite unequivocal and without mention of my existence) and from witnesses where Bud himself made this false ~~will~~ claim. In addition, those of my the records of my litigation that Bud had returned to me were not in his file but in those of the CTIA and he directed Jim, when I complained, to get them and give them to me. In addition, despite my written refusal to be in any way associated with CTIA and the explicitness with which I said I would in confidence provide him with information and trust him but not that motley gang he collected, he regularly filed what I let him have in CTIA's files. Some but far from all of this was retrieved by Jim, at Bud's request, and given to me. I still have these files in CTIA folders. Any more CTIA lumps you want?

This, of course, leads to the Qui article. How it deals with anyone is irrelevant to what I agree is defamatory if I am inaccurate. Bud lied and defamed me in what he said. He did not drop me or my FOIA suits. He specified which others he wanted to file for me. You tell me of a discussion with Jim but not of what. Ask Jim. I was so sick over the months of work Bud has wasted for me and the mess he had made on all levels in C.A. 2301-70 and the verbal argument on appeal that first I left the appeals court literally in fear I'd vomit and then declined, without insulting him, to let him file any others. He wanted to, he specified them and Jim does have knowledge and did file some. I could give you enormous detail on ~~this~~ this and a thicker file than you have on the work Bud asked of me and changed his mind and what he did not ask of me that he ignored and turned out to be essential. (These are not the only months he wasted for me. His lying to both Jim and me on the habeas corpus is an example Jim may remember but I finally protested in writing.) However, through all of this, irascible as you and he say I am, I defy you to cite a case during all the long time he was messing this case up or even after the court of appeals ~~fraseo~~ that I uttered a single critical word to him. Not even when he regularly agreed to do what turned out to be necessary, that he then never consulted me about and never did. I didn't even recriminate over his ~~letting~~ letting Werdig shift the burden of proof on him despite the language of the law. With this only a partial history and he lies this brazenly and without any need, while I can't say what the law says on it is being defamatory, in normal human relations and in the way people will take it, particularly when I have a new book just out, I do regard it as defamatory.

These collect calls: I know of none in my interest. I know of none that was personal or social. They were all for him. When you have had new employees I have told each to accept none without his OK, a precaution neither he nor you took. The last one, which surely will be the last, he took. He was interrupted. He promised to call me back in 20 minutes. I sat and waited and waited. That night Jim told me that despite the interest Bud expressed while we were talking and he got another call he decided, on no basis at all, that it would just be chewing the same thing over again. It was no such thing. I still have the notes I prepared before calling him. The first item was something long overdo in the Ray case that he and I had discussed earlier and he had agreed is important but he had done nothing about. Therest was to prepare him to defend himself against accusations I had knowledge were to be made about him. They were planned. They happen to have been edited out. Now this was recent, after all of what I regard as a long history of personal abuse by Bud. There was nothing possible in it for me except, if he had asked it, more work to do more preparing for him without compensations, without thanks, and the prospect of more hatred from him and vilification. Where you took any of these calls, if you can think of any one that was personal on my part or in any way in the pursuit of any private or personal interest on my part, I invite your making a record of it now.

Years ago, with Bud and his abortion and his assembly of nuts the clincher but not the initial cause, I had to rethink and recast the role I could serve. It has required of me that I keep complete records. You will make a serious mistake if you think I do not have them and if you do not assume that in all significant cases I do not have copies out of my possession. If any of this comes to a question of lawyer's letters I do not for a minute think any will serve any purpose. Rather do I think there would be the opposite effect.

On the record of financial abuse there is what ranges downward from the agreement we did have and subsequently put into writing to his petty chiselling on small sums that are even pettier than the case of the pictures I've mentioned. There was even one when a charge-card bill came in late and he was indecent on his comment on that petty sum for which he was to have been repaid anyway, part of the to him costless wild-geese chase on which he had sent me. To justify his own sick thoughts he even told people who were worried about how I could make out that he was supporting me. Not these exact words but words they so interpreted and so told me. There was a time when he asked me to undertake something for him in New Orleans for which he gave me \$100. Can you conceive of this as possible? Another time he asked me to make preparations to go there for two weeks with him and do certain work with him, I made the arrangements, had to go through with them, he changed his mind without informing me, and left me hooked. This remains part of my unpaid debt. Once when he wanted to have me spend time with him and I had to go borrow something less than \$400 where I knew I could get it he offered to lend it to me until two checks due me reached me. When I received the first I sent it to him promptly, only to receive it back with a grossly and needlessly insulting letter that he had no intentions of becoming one of my creditors. Considering that I owed no so-called critic money and many owe me sums that are considerable for me, that I had not asked this of him but accepted his offer for his convenience and that I kept my word and even when farthure, did not await the coming of the second check to return the sum represented by the first, this was a vilification and a representation of what I have called his sickness on this subject. I feel sorry that a man of his means is driven to such extremity and that you are impelled to attempt a defense of so miserable a record of such long standing.

This is far from a full record. It is a response to the kind of letter you for your own reasons wrote.

This whole thing is not yet at its end, whatever that end may be. But it is not going to disappear by the wave of a magic wand or the writing of a self-serving, non-responsive letter.

I wish you had the remotest idea of what all of this has cost me in so many ways Or had the decency to show some reflection of your personal knowledge of that of which you know. And not pretended that you have not shared my apprehensions and expressed them and your inability to do anything about their cause.

Sincerely,

Harold Weisberg